

REMARKS

Status of Claims:

New claims 19-22 are added. Thus, claims 1-22 are present for examination.

Claim Rejections:

Claims 1, 3, 5, 6, 11, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ronning (U.S. Patent No. 5,907,617).

Claims 2, 4, 7-10, 12, 13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronning in view of Downs et al. (U.S. Patent No. 6,226,618) (hereinafter Downs).

With respect to claims 1-18, the rejections are respectfully traversed.

Independent claim 1, as amended, recites a data distribution system, comprising:

“partial data preliminary distribution means for distributing partial data from a source to a user over a communication network, said partial data comprising attribute data and only a part of distribution data, said attribute data including a price of the distribution data, said distribution data having been separated into said part and a remaining part;

partial data reproduction release means for, when the user indicates to said source a decision to purchase the partial data distributed by the partial data preliminary distribution means or the remaining part of the distribution data, rendering reproducible the partial data, except for the attribute data, from a time of the indication at the earliest; and

remaining distribution data distribution means for, upon receipt by the source of a request from the user for the distribution of the undistributed remaining part of the distribution data corresponding to the partial data, distributing from the source the remaining part of the distribution data to the user over the communication network.” (Emphasis Added).

A data distribution system including the above-quoted features has at least the advantages that: (i) partial data preliminary distribution means allows for distributing partial data from a source to a user over a communication network; (ii) the partial data comprises attribute data and only a part of distribution data; (iii) the distribution data has been

separated into said part and a remaining part; (iv) partial data reproduction release means allows for, when the user indicates to the source a decision to purchase the partial data distributed by the partial data preliminary distribution means or the remaining part of the distribution data, rendering reproducible the partial data, except for the attribute data, from a time of the indication at the earliest; and (v) remaining distribution data distribution means allows for, upon receipt by the source of a request from the user for the distribution of the undistributed remaining part of the distribution data corresponding to the partial data, distributing from the source the remaining part of the distribution data to the user over the communication network.

Ronning neither discloses nor suggests a data distribution system including the above-quoted features for at least the following two reasons.

First, Ronning neither discloses nor suggests a data distribution system in which partial data that comprises only a part of distribution data is distributed from a source to a user, and then upon receipt by the source of a request from the user for distribution of an undistributed remaining part of the distribution data corresponding to the partial data, allows for distribution from the source the remaining part of the distribution data to the user over a communication network, where the distribution data has been separated into said part and the remaining part.

Instead, in the system of Ronning, when a software program is downloaded to be sampled, the entire software program is downloaded at one time, and the software program is not downloaded in parts. (Ronning; abstract; column 6, lines 8-51; column 11, line 66 to column 12, line 19). In the system of Ronning, a hard drive of a computer system of a user is partitioned via software to create a “soft partition” that acts as a virtual volume 79. (Ronning; column 6, lines 44-48; FIG. 4C). The operating system of the computer system 81 in the system of Ronning can then send read/write requests 85 to the virtual volume 79. (Ronning; column 6, lines 37-41; FIG. 4C). In the system of Ronning, locked applications to be sampled are downloaded and stored within the partition of the hard drive in their entirety. (Ronning; column 6, lines 27-33). Then, in the system of Ronning, a distribution application 69 can reserve the virtual volume partition in order to control reading and writing to the

partition and, as a result, prevent unauthorized copying of the application in the partition. (Ronning; column 6, lines 46-51).

Thus, in the system of Ronning, when a software application is downloaded to be sampled, the **entire** software application is downloaded at one time and is stored in a **partition of a hard drive** of a user's computer. Then, in the system of Ronning, when a user purchases the software application, the software application is merely **copied** from the protected **partition of the hard drive** of the user's computer to **another (non-reserved) portion of the hard drive** of the user's computer. (Ronning; column 11, line 66 to column 12, line 19). As a consequence, when the user purchases the sampled software application in the system of Ronning, **no parts** of the software application are then **downloaded** over a communication network, because the **entire** software application has **already been stored in a partition on the user's hard drive**. (Ronning; column 11, line 66 to column 12, line 19).

Indeed, Ronning even states that, "after this unlocking routine is complete, a locked copy of the application or digital information **remains within the reserved partition** and an unlocked copy of the application or digital information resides **on the user's hard disk drive or some other storage medium**." (Ronning; column 12, lines 11-16) (Emphasis Added). Thus, unlocking a software application in the system of Ronning merely causes the software application to be **copied** from one **partition of a user's hard drive**, where the **entire** application is already stored, to **another partition** of the hard drive or some other storage medium. (Ronning; column 12, lines 11-16).

Second, Ronning neither discloses nor suggests a data distribution system including partial data reproduction release means for, when a user indicates to a source a decision to **purchase** partial data distributed by a partial data preliminary distribution means or a remaining part of distribution data, **rendering reproducible the partial data**, except for attribute data, **from a time of the indication at the earliest**.

The Examiner points to Ronning, column 6, lines 9-51 as disclosing such a feature. However, in the portion of Ronning cited by the Examiner, Ronning neither discloses nor suggests **rendering reproducible partial data from a time of an indication of a decision to**

purchase the partial data or a remaining undistributed part of distribution data **at the earliest**. (Ronning; column 6, lines 9-51). Instead, in the system of Ronning, once a software program has been downloaded, it can be sampled with **no restriction** on a starting time for reproduction for sampling. (Ronning; abstract).

Therefore, independent claim 1, as amended, is neither disclosed nor suggested by the Ronning reference and, hence, is believed to be allowable.

Independent claim 2, as amended, recites a data distribution system with features similar to features of a data distribution system of independent claim 1 and, thus, is believed to be allowable for at least the same reasons that independent claim 1 is believed to be allowable. In addition, with respect to independent claim 2, it is noted that Downs does not cure the deficiencies with regard to the teaching of Ronning discussed above. The Patent Office has not made out a *prima facie* case of obviousness under 35 U.S.C. 103.

Independent claim 3, as amended, recites a data distribution system with features similar to features of a data distribution system of independent claim 1 and, thus, is believed to be allowable for at least the same reasons that independent claim 1 is believed to be allowable.

Independent claim 4, as amended, recites a data distribution system with features similar to features of a data distribution system of independent claim 1 and, thus, is believed to be allowable for at least the same reasons that independent claim 1 is believed to be allowable. In addition, with respect to independent claim 4, it is noted that Downs does not cure the deficiencies with regard to the teaching of Ronning discussed above. The Patent Office has not made out a *prima facie* case of obviousness under 35 U.S.C. 103.

The dependent claims are deemed allowable for at least the same reasons indicated above with regard to the independent claims from which they depend.

New claims 19-22 recite features that are not found in Ronning or Downs.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date February 8, 2006

By Justin M. Sobaje

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (310) 975-7965
Facsimile: (310) 557-8475

Justin M. Sobaje
Attorney for Applicant
Registration No. 56,252